

Shawnee Mission Public Schools
Information Services
Indian Creek Technology Center
4401 West 103rd Street
Overland Park, Kansas 66207
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DOCKET FILE CC

Educating for Life

Appeal of SLD Decision

May 24, 2001

Federal Communications Commission
Office of the Secretary
445 - 12th Street, S.W.
Room TW-A325
Washington, DC 20554

Ref: CC Docket Nos. 96-45 and 97-21

Dear Sir or Madam:

I am writing this letter to appeal the Administrator's Decision on a SPIN Change Request. A copy of that Decision Letter, dated May 3, 2001, is included at Tab A. A copy of my letter to SLD requesting to "unbundle" the services that were previously approved to allow for two separate service providers for these approved services, is included at Tab B.

I maintain that this negative SLD decision is inequitable, and is inconsistent with the intent and spirit of the legislation that provides these funds.

The Shawnee Mission School District issued an RFP seeking an Internet Service Provider, and this RFP stipulated that "the ISP shall include all installation and recurring charges, including local loop charges from other carriers completing the circuit". Southwestern Bell Internet Services (SBIS) was awarded the contract, and their SPIN was used to file the Form 471.

Months later, we were informed by SBIS that the local loop service was provided by Southwestern Bell Corporation (SBC), a separate entity, and that SBIS could therefore not provide us with the entire discount that had been approved by the SLD.

I then requested that the SLD "unbundle" the services to allow the services to be provided by the two separate providers: SBIS and SBC. There was no change in the actual services being received, and no effect on the total amount of discount.

The SLD decision letter maintains that I would have had to request this unbundling "through the Receipt Acknowledgement Letter (RAL) correction process, which occurs prior to the funding commitment process." I was not even made aware of the problem until months after the funding commitment process, so this is not a viable solution.

In the interest of equity, I respectfully request that the FCC consider this appeal and allow the services to be unbundled and split between the two service providers as stipulated in my letter to the SLD.


Rich Cavallaro

Manager, Information Services

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Box 125 - Correspondence Unit
80 South Jefferson Road
Whippany, New Jersey 07981

SCHOOLS AND LIBRARIES DIVISION

Administrator's Decision on SPIN Change

May 3, 2001

Rich Cavallaro
Shawnee Mission School District
4401 W 103 St
Shawnee Mission, KS 66207

Re: Application Number: 195031
 Funding Request Numbers: 420156
 Funding Year: 2000-2001

After thorough review and investigation of your letter seeking approval to change Service Provider Identification Number (SPIN) and service provider for the funding year listed above, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company has made the following determination on each Funding Request Number that was included in your inquiry for the above referenced Application Number.

Funding Request Numbers: FRN's listed above
Decision on inquiry to change SPIN number and service provider: Denied

The following explanation is provided to inform you of the reason for our decision on these Funding Request Numbers.

Your request would require the SLD to split an existing Funding Request Number (FRN) into two or more FRNs. The SLD cannot accommodate your request because we are limited to the FRNs as listed in your original Form 471. The only way to change those FRNs is through the Receipt Acknowledgement Letter (RAL) correction process, which occurs prior to the funding commitment process.

Since your request was not processed in the pre-commitment phase, it is being denied.

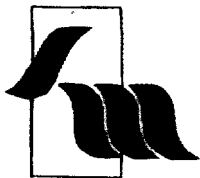
We strongly encourage you to work with your service providers to seek a solution (such as shared billing) that will allow you to fully utilize the funding for which you were approved.

If you feel further examination of your application is in order, you may file an appeal with the Federal Communications Commission, Office of the Secretary, 445 12TH Street, S.W., Room TW-A325, Washington, DC 20554. Before preparing and submitting your appeal, please be sure to review the FCC rules concerning the filing of an appeal of an Administrator's Decision, which are posted to the SLD Web Site at <www.sl.universalservice.org>. The appeal must be filed with the FCC no later

than 30 days from the date of the issuance of this letter, in order for the appeal to be filed in a timely fashion.

Thank you for your continued patience and cooperation during the decision process.

Schools and Libraries Division
Universal Service Administrative Company



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Educating for Life

SPIN Change Request

April 6, 2001

SPIN Change Request
Schools and Libraries Division
Box 125 – Correspondence Unit
80 S. Jefferson Road
Whippany, NJ 07981

Dear Sir or Madam:

I am requesting that the services connected with the below FRN be “unbundled” to allow for two separate service providers. Neither the total amount of the funding request, nor the original intent of the responding service provider, is being affected by this request.

Form 471 Application Number: 195031
Billed Entity Number: 137619
Funding Request Number: 420156
Original Service Provider Name: Southwestern Bell Internet Services (SBIS)
Original Provider SPIN: 143004611
Funding Commitment Decision Amt: \$25,272.24

Additional Service Provider Name: SBC Advanced Solutions, Inc. (ASI)
Additional Provider SPIN: 143022137
Revised “Unbundled” amounts:

	3yr	Installations
SBIS; ATM Internet 5 Meg	3,031.00	1,000.00
ASI; ATM UNI IMA 6 Meg	1,800.00	1,200.00
143004611	\$27,372	x 42% = \$15,696.24
143022137	\$22,800	x 42% = \$ 9,576.00
Total Revised Amount (no change)	\$60,172	x42% = \$25,272.24

Rationale:

The original RFP for these Internet services specified that the “ISP shall include all installation and recurring charges including local loop charges from other carriers completing the circuit”. A copy of this RFP is attached as Tab (A).

SBIS' response (included as Tab B) was used to file the e-rate application, and all charges were included under the SPIN of SBIS.

We have just discovered that SBIS is not able to provide the entire credit, because the local loop service is being provided by SBC Advanced Solutions, Inc. This was always the intent of SBIS, and they acknowledge the error in their response. As shown above, the unbundling of this FRN will not result in any additional funds.

By my signature below, I certify that

1. This SPIN change is allowed under Kansas state and local procurement rules
2. The SPIN change is allowable under the terms of the contract between the applicant and its original service provider, and
3. The applicant has notified its original service provider of its intent to change service providers.

Contact information:

Rich Cavallaro
Manager of Information Services
Shawnee Mission School District
4401 W 103 St
Shawnee Mission, KS 66207
(913) 993-8805
richcavallaro@smsd.org

Sincerely,



Rich Cavallaro
Manager of Information Services